

May 23 2018 12:06 PM

THE HONORABLE EDMUND MURPHY

KEVIN STOCK
COUNTY CLERK
NO: 18-2-05119-9

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

RAYMOND A. LAPOINTE and
BARBARA J. LAPOINTE, Husband and
Wife,

Plaintiffs,

v.

3M COMPANY, a Delaware corporation, a/k/a
MINNESOTA MINING &
MANUFACTURING COMPANY;
AMERICAN CYANAMID COMPANY,
n/k/a WYETH HOLDINGS
CORPORATION;
BASF CORPORATION, Individually and as
successor in interest to Ciba Corporation, as
successor in interest in part to Ciba Geigy
Corporation;
BOEING COMPANY, THE;
BRIDGESTONE AMERICAS TIRE
OPERATIONS, LLC;
CARLISLE INTERCONNECT
TECHNOLOGIES, INC., f/k/a Tensolite;
DEXTER HYSOL AEROSPACE, LLC;
HEXCEL CORPORATION, f/k/a Heath
Tecna f/k/a Ciba-Geigy;
HUNTSMAN INTERNATIONAL, LLC;
METALCLAD INSULATION LLC;
METROPOLITAN LIFE INSURANCE
COMPANY, a New York corporation, a
wholly-owned subsidiary of METLIFE INC.;
OWENS-ILLINOIS, INC.;
RSCC WIRE & CABLE LLC, f/k/a

No. 18-2-05119-9

FIRST AMENDED COMPLAINT
FOR PERSONAL INJURIES

1 ROCKBESTOS-SUPRENANT CABLE CORP.,
2 f/k/a ROCKBESTOS CERRO WIRE & CABLE
3 COMPANY;
4 **SABERHAGEN HOLDINGS, INC.;**
5 **SPECIALTY CABLE CORPORATION;** and
6 **UNION CARBIDE CORPORATION;**

7 Defendants.

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9 **I. PARTIES**

10 Plaintiffs RAYMOND A. LAPOINTE and BARBARA J. LAPOINTE are a married
11 couple who reside in Sequim, Washington.

12 Defendants and/or their predecessors-in-interest are corporations who, at all times
13 relevant herein, either owned/controlled premises where plaintiffs were exposed to asbestos, or
14 who manufactured, sold, and/or distributed asbestos-containing products or products that were
15 used in conjunction with asbestos and/or asbestos-containing products and/or equipment, and/or
16 equipment solely designed to be used with asbestos-containing products mined, manufactured,
17 supplied, processed, imported, converted, compounded and/or sold by the Defendants.

18 **II. JURISDICTION & VENUE**

19 Plaintiff RAYMOND A. LAPOINTE was exposed to asbestos from Defendants'
20 products in the state of Washington. At all times relevant herein, all Defendants transacted
21 business in this state by mining, manufacturing, selling, producing, distributing, or otherwise
22 purposefully placing into the stream of commerce asbestos-containing products or products used
23 in conjunction with asbestos, products they purposefully directed into the state of Washington,
and into Pierce County and the counties of RAYMOND A. LAPOINTE's exposure. Therefore,
Defendants may be served with process in Washington, pursuant to 4.28.180 and 4.28.185.

This Court has jurisdiction over each and every named Defendant pursuant to RCW 4.12 *et seq.* and Washington case law: By selling, supplying, distributing, and/or causing to be used asbestos or asbestos-containing products to which Plaintiff was exposed in Washington, Defendants purposefully availed themselves of the privilege of doing business in Washington, thus invoking the benefits and protections of Washington's laws. Venue is appropriate pursuant to RCW 4.12.025 because Defendants "reside" in Pierce County, Washington: by currently transacting business in Pierce County and/or by transacting business at the time the cause of action arose in Pierce County.

Defendant **SABERHAGEN HOLDINGS, INC.** is a Washington corporation licensed to do business in this state, maintaining its principal place of business in Washington.

III. FACTS

Plaintiff RAYMOND A. LAPOINTE (DOB: MAY 10, 1931; SSN: ***-**-8348) was exposed to asbestos and asbestos-containing products, which had been mined, manufactured, produced, and/or placed into the stream of commerce by the defendants and/or was exposed to asbestos through the use of products manufactured by defendants, and/or was exposed to asbestos on premises owned and/or controlled by defendants. As a direct and proximate result of this exposure, plaintiff RAYMOND A. LAPOINTE developed mesothelioma. Plaintiff provides the following information:

A. Specific Disease: Mesothelioma
B. Date of Diagnosis: November 2017
C. Military Service: U.S. Army
D. Occupation(s): Product Manufacture and Assembly, to include Electrical Assembly and tool control

E. Places of Exposure: Firestone (Fall River, MA), Boeing (Renton, WA), HEXCEL (f/k/a Heath Tecna f/k/a Ciba-Geigy) (Kent, WA); Household exposure through mother's employment at Firestone (Fall River, MA) and spouse's employment at Boeing (Frederickson, WA) and HEXCEL (f/k/a Heath Tecna f/k/a Ciba-Geigy) (Kent, WA)

F. Dates of Exposure: Approximately 1948 to 1999

G. Current Address: 10 Valley Farm Court, Sequim, Washington 98382

IV. LIABILITY

Plaintiffs claim liability based upon the theories of common law negligence, product liability (or if applicable to certain product sellers, RCW 7.72 *et seq.*); conspiracy; strict product liability under Section 402A and 402B of the Restatement of Torts; premises liability; and any other applicable theory of liability. The liability-creating conduct of defendants consisted, *inter alia*, of negligent and unsafe design; failure to inspect, test, warn, instruct, monitor, and/or recall; failure to substitute safe products; marketing or installing unreasonably dangerous or extra-hazardous and/or defective products; marketing or installing products not reasonably safe as designed; marketing or installing products not reasonably safe for lack of adequate warning and marketing or installing products with misrepresentations of product safety; failure to warn and/or protect plaintiff regarding the deleterious effects of asbestos utilized on defendants' premises.

IV. DAMAGES

As a proximate result of Defendants' negligence and/or product liability and/or other basis of liability, Plaintiff RAYMOND A. LAPOINTE sustained pain, suffering and disability in an amount not now known, but which will be proven at trial. Plaintiff RAYMOND A. LAPOINTE also sustained medical expenses and economic losses in an amount to be proven at trial. Plaintiff BARBARA J. LAPOINTE has sustained loss of spousal relationship as a result of

1 RAYMOND A. LAPOINTE'S illness, including a loss of emotional support, love, affection,
2 care, services, companionship and assistance in an amount to be proven at trial. Plaintiff
3 RAYMOND A. LAPOINTE'S children have sustained loss of parental-child relationship as a
4 result of RAYMOND A. LAPOINTE'S illness.

5 WHEREFORE, plaintiffs pray for judgment against the defendants and each of them as
6 follows:

- 7 1. For general and special damages specified above, including pain, suffering, loss,
8 disability and loss of parental-child relationship;
- 9 2. For medical and related expenses and economic loss, all of which will be proven at the
10 time of trial;
- 11 3. Past and future loss of care, maintenance, services, support, advice, counsel, and
12 consortium which Plaintiff BARBARA J. LAPOINTE would have received from
13 Plaintiff RAYMOND A. LAPOINTE before his illness and disability caused by his
14 exposure to asbestos;
- 15 4. For plaintiffs' costs and disbursements herein;
- 16 5. For prejudgment interest in the amount to be proven at trial; and
- 17 6. For such other relief as the Court deems just.

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DATED this 23rd day of May, 2018.

WEINSTEIN COUTURE PLLC



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